

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ANTHONY LYNN COUCH, SR.,

Plaintiff,

v.

WASHINGTON STATE DEPARTMENT OF
CORRECTIONS, *et al.*,

Defendants.

Case No. C22-5659RSL-TLF

ORDER ADOPTING
REPORT &
RECOMMENDATION

The Court, having reviewed the Report and Recommendation of Judge Theresa L. Fricke, United States Magistrate Judge, objections to the report and recommendation, if any, and the remaining record, does hereby find and ORDER:

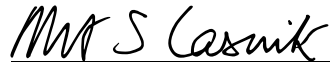
1. The Court adopts the Report and Recommendation¹;
2. Plaintiff's claims against defendant Stella Spracklin are dismissed without prejudice;
3. Plaintiff's claims against defendant Washington State Department of Corrections ("DOC") are dismissed without prejudice and with leave to amend;
4. Plaintiff's remaining claims as to the remaining defendants are dismissed without prejudice and with leave to amend;

¹ For clarity, the Court notes that: (1) the citations on page 3, line 4, page 5, lines 12-13, and page 9, line 2 should be to *Ashcroft v. Iqbal*, 556 U.S. 662 (2009); (2) the citations on page 7, line 13 and beginning on page 8, line 23 should be to *Hebbe v. Pliler*, 627 F.3d 338 (9th Cir. 2010); and (3) the citation on page 5, lines 5-6 should be to *Fireman's Fund Ins. Co. v. City of Lodi*, 302 F.3d 928, 957 n.28 (9th Cir. 2002).

- 1 5. Plaintiff shall have 21 days from the date of this Order to file a proposed amended
2 complaint subject to the Court's review; and
3 6. The Clerk is directed to send a copy of this Order to the parties in this action and to
4 the Hon. Theresa L. Fricke.

5 IT IS SO ORDERED.

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8 DATED this 24th day of April, 2023.

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11 Robert S. Lasnik
12 United States District Judge
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